

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – Works Accounts Department - Allegations against Sri Fathe Mohammed, the then PAO (FAC), Khammam and presently JDWA, NSP, Hill Colony (Retd) – Disciplinary Proceedings for payments to three Groups for the work of Formation of new Tank across Yerrasani Vagu near Chandrulagudem (V), Polvancha (M) of Khammam District without any valid agreement or work order from the competent authorities – Further action dropped – Orders – Issued.

FINANCE (WA-II) DEPARTMENT

G.O. Rt. No. 3960

Dated: 01-10-2012.
Read the following:-

1. General Administration (V&E) Department Vigilance Report No. 30(1201/V&E/E1/04) dated 28.02.2005.
2. G.O. Rt No. 2761, Finance (WA.II) Department, dated 13.07.2007.
3. From the Director of Works Accounts Lr. No. DWA/Hyd/Sn.I/A.3/2007-08/401 dated 22.11.2007.
4. Government Memo No. 24083/2125/WA.II/2005 dated 23.12.2008.
5. From the Director of Works Accounts Lr. No. DOWA/Hyd/Sn.I/EC..6/2011-12/113dated 01.08.2011.
6. G. O. Rt. No. 3434, Finance (WA.II) Department, dated 29.08.2011
7. G. O. Rt. No. 4013, Finance (WA.II) Department, dated 09.11.2011.
8. From the Director of Works Accounts Letter No. DWA/Hyd/Admn/EC-8/2012-13/159, dated 25.07.2012.

ORDER:

In the reference 1st read above, inter alia, the G.A.(V&E) Department has informed that Sri Fathe Mohammed, while working as Pay and Accounts Officer, Warangal and holding the additional charge of Pay and Accounts Officer, Khammam during the period from 13.08.2003 to 09.10.2003 has released the payments to three user groups on the work of formation of new tank across Yerrasani Vagu near Chandrulagudem (V), Palvancha (M) executed in Irrigation Division, Kothagudem at Palvancha without any valid agreement of work order from the competent authorities which is highly irregular.

2. In the reference 2nd read above Government have initiated Departmental Proceedings and framed charges vide G. O. Rt. No.2761, Finance (WA.II) Department, dated 13.07.2007 against Sri Fathe Mohammed, who worked as Pay and Accounts Officer, (FAC), Khammam and presently Joint Director of Works Accounts, NSP, Hill Colony (Retired) for his negligence in discharging of his duties while working as PAO(FAC) Khammam i.e., payment of bills without any valid agreement or work orders from the competent authorities for the above work.

3. The Charged Officer has submitted written statement of defence through the Director of Works Accounts, Hyderabad. After examination of the written statement of defence of Sri Fathe Mohammed, the then Pay and Accounts Officer, (FAC), Khammam and presently joint Director of Works Accounts, NSP, Hill Colony (Retired)found not satisfactory and decided to conduct regular enquiry.

4. In the reference 6th read above, Government have appointed Sri M. Samba Moorthy, Director of Works Accounts, Hyderabad as Inquiry Officer under Rule 20(2) of A.P. Civil Services (CC&A) Rules, 1991 read with Rule 9 of A.P. Revised Pension Rules, 1980 to conduct regular enquiry into the charges framed against the above Officer and the Pay and Accounts Officer, Khammam was appointed as Presenting Officer to

present the case of the disciplinary authority before the inquiring authority, vide G.O.Rt.No.4013, Finance (WA.II) Department, dated 09.11.2011. Accordingly, the Inquiry officer has conducted the inquiry and submitted his Inquiry Report.

5. Sri M. Samba Moorthy, Inquiry Officer and the Director of Works Accounts vide Letter No.DWA/Hyd/Admn/EC-8/2012-13/159, dt.25.07.2012 furnished enquiry report. The Inquiry Officer in his report stated that before deciding the charge, it is appropriate to discuss para 150 of D code. Para 150 D Code speaks, that works executed by the department are carried out by one of the under mentioned three methods.

- 1) *departmentally, by the employment of daily labour*
- 2) *by piece-work agreement in form Public Works Department V-51 and*
- 3) *by the agreement in form Public Works Department V-53, based on a lumpsum tender system, as defined in the Andhra Pradesh Detailed standard Specifications.*

6. The method one is to be adopted in cases where no contractors are available or where, for other reasons, it is found more economical. It does not stipulate any agreement, whereas other two methods stipulate agreements in form V-51 and V-53.

7. The District Collector, Khammam vide Proc.No.220/2002 dated 19.03.2002, ordered to execute the work departmentally, through user groups, by following IFAD, Neeru Meeru, FFW guidelines and therein it was stipulated that payments for the work done will be made through the user group. As such, it appears that the administrative department has chosen to execute the work through the first method, which is departmental execution. The District Collector, Khammam being the head of the administration of the district has also directed the PAO, Khammam vide Proc.No.220/2002 dated 18.08.2003 to honour the bill and issue the cheque in favour of the User Group for the work. Further, as seen from the entrustment of the work, there was no contract between the user group and department and when no contract, no agreement would be possible. Hence, the Inquiry Authority held the charge is not proved.

8. Government, after careful consideration of the matter keeping in view the finding of the Inquiry Authority and with reference to the material on record hereby drop further action against Sri Fathe Mohammed, working as Pay and Accounts Officer, (FAC), Khammam and presently joint Director of Works Accounts, NSP, Hill Colony (Retired).

9. The Director of Works Accounts, Hyderabad is directed to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L. PREMACHANDRA REDDY,
SECRETARY TO GOVERNMENT (W&P)

To

The Director of Works Accounts, Hyderabad.

Sri Fathe Mohammed, the then Pay and Accounts Officer, (FAC),

Khammam and presently joint Director of Works Accounts, NSP,

Hill Colony (Retired) through the Director of Works Accounts, Hyderabad.

Copy to:

Sri G. Pratap Reddy, Pay and Accounts Officer, Khammam

The Secretary to A.P. Vigilance Commission, Secretariat, Hyderabad

SF/SCs.

// FORWARDED::BY ORDER//

SECTION OFFICER.